



# **MINUTES**

## **BOARD OF SUPERVISORS, COUNTY OF MONO**

### **STATE OF CALIFORNIA**

Regular Meetings: The First, Second,  
And Third Tuesday of each month

#### **REGULAR MEETING**

County Courthouse  
Bridgeport, California 93517

**May 15, 2007**

**9:00 a.m. Meeting called to order by Chairman Hazard**

**Pledge of Allegiance led by Supervisor Bauer**

#### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one from the public spoke.

#### **BOARD MEMBER REPORTS**

- **Supervisor Reid** reported on the following activities: (1) Attended the fifth session of his supervisors training, which was very interesting and the presenters were very good. Professor Tom Jacobsen talked about land use planning; he addressed the policy power of the county and takings laws (Reid will provide handouts to Scott and Marshall). (2) Attended the LTC meeting: GasEx is moving forward, and CalTrans will tour the Coleville post office to look at ingress and egress. (3) Had a productive and enlightening meeting with Brian, Evan, Marshall and Dave yesterday regarding lot line adjustments. It would be good to let people know up front about time frames and the process. (4) Thanked the Board for traveling to Walker this evening for a meeting.

Supervisor Hazard commented that the land use training with Tom Jacobsen may be worthwhile, and suggested a regional training with Inyo, Mono, and Alpine Counties with Mono County acting as the host. Supervisor Reid said he would like to hear from staff about this land use training. Supervisor Bauer agreed this would be good training. Dave Wilbrecht will get the details about availability and cost, and then contact the other entities about participating. Marshall Rudolph said his office will be happy to provide training using in-house resources at no cost.

- **Supervisor Bauer** reported on the following activities: (1) YARTS is moving forward with contracts. New contractors will look at the routes; JPA may be interested in taking over the routes if the present contractor decides it is too hard. Presently negotiating with AMTRACK; funding in past has been convoluted. (2) The search and rescue building has been discussed; will make sure Medera receives information in time for the budget. (3) Received a letter from Chris Lizza about bicyclists having trouble with some contractors; communication lines need to remain open with parks. (45) Fortress, LLC, bought Interwest, and went public in February.
- **Supervisor Hunt** reported on the following activities: (1) After the Board's joint meeting last Tuesday he attended a special meeting of the Mammoth Lakes Housing Board. The major topic was the Tavern Road project. It has been put on hold for a year due to a \$4-5 million shortfall. (2) Took the annual bike ride over Yosemite pass on Wednesday; more people are taking advantage of this. (3) On Friday, he met with Dave and with Mono County Child Care Council about IMACA taking over the contract that expires June 30. Mono County Child Care Council wants the Board of Supervisors to manage the contract because they need good managers.

- **Supervisor Farnetti** reported on the following activities: (1) At last Wednesday's department head meeting the following items were discussed: update on Tri-Valley emergency medical needs; Bob talked about PERS 2.7% at 55 and 3% at 50; auditors update on budget process, packets due back on May 29; the Board will get an update on fee revisions in June; discussion about recommendations to eliminate the needs for special funds; reverse 911 system, county-wide test to be conducted on May 21; county counsel talked about public records, purchases and service contracts. (2) Attended LTC meeting on Monday: discussed annual public hearing on transit needs in the county, continued to June for final determination; update on \$100,000 grant to be used for 12 bus shelters county wide; talked about the Coleville post office; update on Black Rock contract (\$248,000 savings), bids go out on August 1, anticipate breaking ground in December; talked about Mammoth/June Lake/ Lee Vining bus route and general trend/history, ridership is pretty good but questioning whether program should be discontinued, will review in the summer, possible route change in summer.
- **Chairman Hazard** reported on the following activities: (1) Attended management meeting on the 9<sup>th</sup>; later met with Kelly Garcia regarding mail box implementation in Crowley Lake area to Tom's Place; boxes have arrived (more than enough for first phase), still trying to get residents to confirm their 911 address, currently 40% of the community has signed up, post office wants 75% before issuing mail boxes, want a cut-off date of June 15 to sign up so service can then begin July 15; post master may be leaving for new career, want to resolve issue before he leaves. (2) Met with Tri-Valley Groundwater District, talked about whether or not to endorse further studies; wells have dropped five feet: Hammil Valley, in 1997 was 126 feet, now 136 feet; Chalfant, in 1995 was 55 feet, now 75 feet; seeing evidence of an overdrought issue, water in Tri-Valley is an important issue. (3) On the 10<sup>th</sup>, attended the planning commission meeting, three projects had been waiting for action for three years, the Board resolved Wofford today and Pinon Estates will be addressed on the June 5<sup>th</sup> agenda. (4) Issue of Chalfant Visioning Plan, there is development pressure, Caltrans can be expanded, the discussion will be moving forward. (5) Attended LTC on the 14<sup>th</sup>. (6) Article in the Inyo Register, picture of Supervisors Hazard and Farnetti at ribbon cutting for Benton affordable homes, closing statement referred to cost of refurbishing and paper reported (in error) that the county spent \$2 million.

## COUNTY ADMINISTRATIVE OFFICE

- 1) **CAO Report re Board Assignments (David Wilbrecht)**  
**ACTION:** Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Dave Wilbrecht reported on the following: (1) Last management meeting, introduced Lynda Roberts to managers. (2) Followup at Sierra Center Mall: expecting reports on office space, \$400,000 budgeted for the project, will use as little as possible for planning, and be conservative in the tenant improvements, cost should be around \$125 per square foot. The changes in the construction industry could be good news and allow for more competitive bidding. Alternative plans for the 3<sup>rd</sup> floor will be part of the budget process. (3) Land exchange is moving forward, will bring something to the Board in June. Exchange parcels most important issue, they expire July 31, 2007. Different parts of the forest service can approve appraisals first. (4) Worked with Supervisor Hunt on Mono County Child Care Council, resolution recommending IMACA as contractor. (5) Regarding south county parks and recreation district, there is not a lot of political will to build a \$40 million recreation center; need to find out if there is the political will before pursue; survey showed that a dog park got the most votes; Supervisor Hunt will rejoin the partnership/group. (6) There is a project concerning the Fesko land split. (7) Lynda took oath of office on Monday and Christy did a great job organizing a reception.

- 2) **APPROVAL OF MINUTES: Regular Meeting of May 1, 2007**  
*(Hunt/Farnetti 4-0; Reid-Abstain)*

**M07-117**

### **CLOSED SESSION**

**Adjourned for closed session from 9:02 a.m. through 10:00 a.m.**

- 3) PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.
- 4) PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.
- 5) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, Richard Scholl, and Brian Muir. Unrepresented employees: Undersheriff.

***Break from 10:00-10:05 a.m.; reconvened regular meeting at 10:06 a.m.***

### **DEPARTMENT REPORTS/EMERGING ISSUES**

Lynda Roberts addressed the Board. First week on the job, we're off to a great start in the Clerk-Recorder's Office. Met with Tony Dublino yesterday; he asked me about my background, role as Clerk-Recorder, and future plans. A piece may appear in the paper.

Kelly Garcia, Assistant Public Works Director, spoke about chairs for the Board room. Distributed a packet describing different kinds of furniture; will pursue this issue in June. Supervisors talked about possible ways to reconfigure the room. Supervisor Hazard asked if suppliers could provide sample chairs for consideration. Garcia said she would check. Supervisor Hunt mentioned that he has received positive comments about the carpet. Garcia said there is still work to do in parts of the building.

Evan Nikirk, Public Works, extended an invitation to the board members to view the paramedic station and senior center in Walker if they have time this evening.

### **CONSENT AGENDA**

*(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item)*

### **PUBLIC WORKS**

- 6a) County Maintained Mileage for F07-08  
**ACTION:** Adopt **Resolution (R07-27)**, "A Resolution of the Mono County Board of Supervisors Specifying Additions and/or Exclusions to the Maintained Mileage Within the County Road System and Establishing Maintained Mileage for Fiscal Year 2007–2008."  
*(Farnetti/Hunt, 5-0)*

**R07-27**

- 6b)** Annual Used Oil Recycling Block Grant  
**R07-28** **ACTION:** Adopt **Resolution (R07-28)**, "A Resolution of the Mono County Board of Supervisors Authorizing the Director of Public Works to Submit and Execute on Behalf of Mono County an Application to the California Integrated Waste Management Board for the Used Oil Recycling Block Grant, Fiscal Year 2007-08 (13<sup>th</sup> Cycle)."  
*(Farnetti/Hunt, 5-0)*

#### COUNTY COUNSEL

- 7a)** TRAN Request (**Marshall Rudolph**)  
**M07-118** **ACTION:** Decline to issue Tax Revenue Anticipation Notes (TRANs) for Eastern Sierra Unified School District and Mammoth Unified School District, so that they may proceed to issue TRANs in their own names. Direct County Counsel to so notify the Districts of the Board's action through their representatives, U.S. Bancorp Piper Jaffray and/or Orrick Herrington & Sutcliffe LLP.  
*(Farnetti/Hunt, 5-0)*

- 7b)** County Service Areas (**Marshall Rudolph**)  
**R07-29** **ACTION:** Adopt **Resolution (R07-29)**, "A Resolution of the Mono County Board of Supervisors Authorizing the Administrative Board of Directors of County Service Areas to Approve Certain Stipends and Expenditures."  
*(Farnetti/Hunt, 5-0)*

#### PUBLIC WORKS / COUNTY COUNSEL

- 8)** Ordinance requiring preparation and recordation of supplemental map sheets in connection with parcel maps and final maps (**Evan Nikirk**)  
**Ord07-04** **ACTION:** Adopt **Ordinance (Ord07-04)**, "An Ordinance of the Mono County Board of Supervisors Adding Section 17.20.015 to the Mono County Code to Require the Preparation and Recordation of an Additional Map Sheet to Supplement the Information on a Final Subdivision Map."  
*(Farnetti/Hunt, 5-0)*

#### ECONOMIC DEVELOPMENT & SPECIAL PROJECTS

- 9)** Amend Section 2.85.010 of the Mono County Code (**Dan Lyster**)  
**Ord07-05** **ACTION:** Adopt **Ordinance (Ord07-05)**, "An Ordinance of the Mono County Board of Supervisors Amending Section 2.85.010 of the Mono County Code, pertaining to the Mono County Tourism/Film Commission."  
*(Farnetti/Hunt, 5-0)*

## COUNTY ADMINISTRATIVE OFFICE

- 10) California Public Employees' Retirement System. **(Robert Garret)**  
**Ord07-06** **ACTION:** Adopt **Ordinance (Ord07-06)**, "An Ordinance of the Board of Supervisors of the County of Mono Authorizing an Amendment of the Contract Between the Board of Supervisors and the Board of Administration of the California Public Employees' Retirement System."  
*(Farnetti/Hunt, 5-0)*

## BOARD OF SUPERVISORS

- 11) Mono County Fisheries Commission  
**M07-119** **ACTION:** Reappoint Ray Robles and Skip Baker to the Mono County Fisheries Commission, effective May 15, 2007.  
*(Farnetti/Hunt, 5-0)*

## REGULAR AGENDA

- 12) **CORRESPONDENCE RECEIVED**  
Discussion: Supervisor Reid commented on a letter from Bartig, Basler & Ray, LLP, he would like to see the details (i.e. what are the amounts of money for, or not for). Brian Muir will provide the detail. The board acknowledged receipt of correspondence.

## PUBLIC WORKS

- 13a) Tract Map 37-51 (Wofford) **(Evan Nikirk)**  
**M07-120** **ACTION:** (1) Approve the Final Map for Tract No. 37-51 (Wofford), finding that all conditions of approval have been met, and authorize the Board Clerk's signature on said map certifying approval of such. Said approval shall certify the abandonment of any right, title, or interest the County may have in the rights-of-way identified in the "Abandonment Note" included on said map, which will be superseded by offers of dedication on Final Map 37-51; (2) Reject on behalf of the public the offers of dedication for street right-of-way and public utility purposes those streets designated Toomey Road and Wofford Road, as shown on said map. (3) Reject on behalf of the public the offers of dedication for easements designated for drainage, fire suppression water storage, and snow storage purposes, as shown on said map. (4) Direct the Public Works Director to file for recordation a Notice of Development Conditions on Property for the project in the office of the County Recorder.  
*(Hazard/Farnetti, 5-0)*

- 13b)** Final Approvals for Parcel Map 31-89, Johnston (**Evan Nikirk**)  
**M07-121** **ACTION:** (1) Approve and authorize the Public Works Director (in consultation with County Counsel) to execute a subdivision improvement agreement between the County of Mono and Larry & Karen Johnston for completion of improvements associated with Parcel Map 31-89; (2) Direct and authorize the Public Works Director to file and record the above subdivision improvement agreement and a Notice of Development Conditions on Property for the project in the office of the County Recorder.  
*(Bauer/Hunt, 5-0)*
- 13c)** Final Approvals for Parcel Map 31-90, Dockum-Hefner (**Evan Nikirk**)  
**M07-122** **ACTION:** (1) Reject on behalf of the public the offers of dedication for street, drainage, and utility purposes the 40-foot-wide right-of-way designated Cottonwood Court, as shown on Parcel Map 31-90; (2) Reject on behalf of the public the offer of dedication for snow storage, drainage, and utility purposes the 10-foot-wide easement as shown on Parcel Map 31-90; (3) Reject on behalf of the public the offer of dedication for drainage purposes those easements shown on Parcel Map 31-90; (4) Reject on behalf of the public the offer of dedication for agricultural conservation purposes that easement shown on Parcel Map 31-90; (5) Approve and authorize the Public Works Director (in consultation with County Counsel) to execute a subdivision improvement agreement between the County of Mono and Dockum & Hefner for completion of improvements associated with Parcel Map 31-90; and, (6) Direct and authorize the Public Works Director to file and record the above subdivision improvement agreement and a Notice of Development Conditions on Property for the project in the office of the County Recorder.  
*(Reid/Bauer, 5-0)*

After explaining this issue, Evan Nikirk asked the board if they would be interested in a workshop about the pitfalls of open space easements. The Board indicated yes to having a workshop.

## **BOARD OF SUPERVISORS**

- 14)** Initiation of General Plan Amendment (**Scott Burns**)  
**R07-30** **ACTION:** Adopt **Resolution (R07-30)**, "A Resolution of the Board of Supervisors, County of Mono, State of California, initiating General Plan Amendment 07-1 Redesignating a Portion of APN 2520039 to Public Facilities and Considering Antelope Valley Area Plan Amendments recommended by the Regional Planning Advisory Committee."  
*(Hunt/Reid, 5-0)*

**11:00 a.m. ECONOMIC DEVELOPMENT & SPECIAL PROJECTS**

- 15)** Approval of Expenditure of \$2,000 to Eastern Sierra Wildlife Care (**Dan Lyster**)  
**ACTION:** Approve the expenditure of Two Thousand Dollars (\$2,000) from the Mono County Fish and Wildlife Propagation Fund to Eastern Sierra Wildlife Care for the temporary emergency treatment and care of injured or orphaned wildlife.  
**M07-123** (**Bauer/Reid, 5-0**)

*Break for Lunch at 12:01 through 1:01 p.m.*

- 1:00 p.m. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
No one from the public spoke.

## ***Public Hearing***

**1:00 p.m. COMMUNITY DEVELOPMENT**

- 16)** General Plan Amendment (GPA) 06-02 (**Scott Burns, Greg Newbry**)  
**ACTION:** (1) Adopt **Resolution (R07-31)**, "A Resolution of the Mono County Board of Supervisors adopting General Plan Amendment 06-02, amending the Land Use Element, including Airport Compatibility Policies and Criteria, the Housing Element and the Circulation Element." (2) Specify that due to water adequacy concerns, detached second units proposed within the Tri Valley Ground-water Management District require either a use permit or director review with notice. (3) Exclude the territory north of Mountain Gate from the requirements of the night sky ordinance.  
**R07-31** (**Hunt/Reid, 5/0**)

Greg Newbry, Community Development: The department has been working on this for about a year. The Board has seen most of the amendments once or twice. Various staff members worked on the amendments. Newbry distributed a packet of information (on file in Clerk/Recorder's Office), and gave a PowerPoint presentation. Gerry LeFrancois reported on the circulation element (Regional Transportation Plan, a copy is on file in the Clerk/Recorder's Office). Larry Johnston reviewed issues pertaining to secondary units, and Keith Hartstrom reviewed the airport compatibility policies and criteria.

The meeting was then open for public comment. Arden Gerbig, Chair of the Antelope Valley RPAC: Asked the Board to exempt Antelope Valley from the night sky ordinance.

Supervisor Hunt agreed; the lighting ordinance could have a positive effect in communities that are closer together but areas like Antelope Valley don't need the restriction. Supervisor Bauer agreed with an exemption if a particular community doesn't want or need something. Newbry agreed that an ordinance such as this could be designed by the specific community and should be what they want.

No other comments from the public.

## BOARD OF SUPERVISORS

***The Board of Supervisors convened at 2:00 p.m. in Memorial Hall for this public hearing. The hearing was called to order at 2:10 p.m. by Chairman Hazard.***

- 17) Request by Advocates for Access to Public Lands to adopt proposed Resolution Establishing a New Recreation Designation (**Dick Noles**)
- Tapes #3152,  
3 and 4 **ACTION:** Support this Resolution in concept as a foundation document; and direct the CAO and County Counsel to put together recommendations for a process similar to the Hoover Wilderness endeavor in order to solve this issue. This process will include clean-up language and equal participation from both sides.  
**(Reid/no second)**

**ACTION:** Support the use of federal legislative designation for recreation on the portion of the Hoover Wilderness compromise that the Mono County Board of Supervisors moved forward and Congressman McKeon proposed in the 109<sup>th</sup> Congress, which was HR 5149, The Eastern Sierra Rural Heritage and Economic Enhancement Act.  
**(Bauer/no second)**

Supervisor Farnetti: I can second that motion, but I think before we do that we should settle our analysis of Dick's proposal today.

Supervisor Bauer: So I could amend my motion to take no action on the proposal before us and to make this motion to support the use.

**ACTION:** Take no action on AAPL's proposal today but initiate a separate motion that supports the use of federal legislative designation for recreation on the Hoover Wilderness only.  
**(Bauer/no second)**

Supervisor Reid: I see this as two separate motions. One is not to support the AAPL proposal and the second motion is to go ahead and endorse the Hoover-McKeon Bill. I don't see them in the same motion.

Marshall Rudolph pointed out that the Board can do a motion to take no action, but did not have to; not making a motion is no action. As far as getting into the Hoover use specifically, there is a potential problem with the Brown Act since the agenda did not mention anything about the Hoover Wilderness. The Board could put this on a future agenda.

- M07-130 **ACTION:** Take no action on the Advocates for Access to Public Land's resolution as has been proposed.  
**(Hunt/Farnetti 4-1, Reid)**

**ACTION:** (1) Direct staff to create a letter in support of the concept of a public land use recreational designation. (2) Create language to support locally negotiated language for that designation.

**(Hazard/Bauer, no vote taken)**

Supervisor Hunt: I would like to see the Board enter into a workshop format before we create a letter. We need to see what potential and what ramifications this designation has, and how far we want to see it go in its application. From that we can evolve a policy and create letters of support. I'm not prepared to support the concept. Supervisor Reid: I agree with Supervisor Hunt. The workshop will provide a foundation to create a letter. I don't think the letter comes before the workshop.

**M07-131**

**ACTION:** Request a workshop to gather foundational information to create a letter of support for the Board to endorse this concept.

**(Hazard/Hunt 4-1, Farnetti)**

Chairman Hazard: Thanked people for coming, and read the agenda item. The purpose of the hearing is to hear from the people making the proposal and not to debate the wilderness issue. The Board has been asked to support the Advocates for Access to Public Lands (AAPL) resolution by adopting a Board resolution.

Presenters for Advocates for Access to Public Lands (AAPL): Dick Noles, Dave Matlovich, and Greg Weirich.

Dick Noles presented a petition from people in the town of Lee Vining supporting the request. The proposed resolution is the result of dealing with the loss of recreational opportunities through wilderness designation areas.

Dave Matlovich gave a PowerPoint presentation that outlined the plan. More and more people are enjoying recreation, but access is becoming limited by wilderness designations. The proposed recreation designation for roads in the forest will give them a permanent status.

Greg Weirich said he wants to protect the recreational use of wilderness. There are strong supporters of "appropriate" wilderness vs. "manufactured" or "inappropriate" wilderness. The designation semi-primitive roaded/roadless (SPR) is a term currently used by the forest service. The semi-primitive designation is needed because the wilderness designation is not the answer to everything.

Supervisor Reid asked how the resolution would affect the White Mountains. Noles referred to a map that outlined the area to be mapped with all inventoried roads. There would be no impact on grazing, private property, or game management. Reid asked about Sonora Pass, and Noles said there would be no impact, this was a different issue.

Supervisor Hazard asked if there is a wilderness component on the top of the White Mountains. Noles said an offer was made at one time, and they could propose it again. Noles referred to a map to describe the area they could propose as wilderness.

Marshall Rudolph and Stacy Simon, County Counsel, spoke on the issue.

Rudolph said his comments were legal observations and not policy issues. He pointed out that the Board of Supervisors has no regulatory authority over federal land. The resolution as proposed is a request to support legislation that Congress would enact. The Board has been asked to endorse or support a resolution drafted by AAPL; he was not sure if AAPL wanted the Board to take action to adopt their resolution, or have the Board create and adopt their own resolution. Other agencies took different approaches: some are verbatim using AAPL's resolution, some are modified, and some are adopted by reference. On today's agenda, the Board can adopt its own resolution, adopt a minute order supporting the issue, or take no action. Prior to the meeting Rudolph researched the designation of semi-primitive recreation and found that the term is used at the management level by the forest service and BLM. Descriptions are not identical. These agencies do manage some lands with this label; some may be in wilderness study Areas (WSAs) and some may not be.

Stacey Simon referred to a copy of the Inyo National Forest plan that refers to semi-primitive recreation; the plan has a two-page description of what this means, characterizes the area being designated, and includes maps. The Inyo does not manage the WSAs as recreational areas; they designate them as proposed wilderness. Simon said the Toiyabe forest plan does not use the term semi primitive.

**The public hearing was then open, and the following people were called upon in the order they signed the speakers list.**

**Sharon Clark** supported protecting and preserving public lands for the people. **W. Malcolm Clark** asked the Board to follow the type of model used for the Hoover Wilderness issue. **Randy Gillespie** supported Dick Noles and Advocates for Access to Public Lands (AAPL). **Dave McCoy** supported access to roads that are currently available. **Frank Stewart** expressed concern that the proposed resolution would release all the WSAs. **Norman DeChambeau, Don Banta, Kerry Kellogg, and Rick Noles** supported AAPL's proposal. **Linda Arcularius** attended the meeting in order to hear the discussion. **Andy Selters** urged the Board to not adopt this vague resolution. **Michelle Pettit** agreed with Frank Stewart. **Dan Jacobs** supported keeping areas open for public recreation. **John Dittli** asked the Board to take no action. **Heidi Hopkins** urged the Board to not vote on the proposed resolution. **Lisa Cutting**, Mono Lake Committee asked the Board to oppose the resolution.

**Emily Prudhomme** expressed concern that motorized recreation can get out of hand. **John Eastman** supported the proposed recreation designation. **Bill Sauser** supported keeping the current road system for recreation and working on the issue locally. **Dale Sandell** supported maintaining access to roads and trails through the proposed recreation designation. **Ann Sandell** was not present when called upon. **Lanny Lehigh** supported the proposal. **Jon Patzer** support AAPL's proposal. **Linda Emerson** asked the Board to take no action on the proposal. **Bill Mitchell** asked the Board to not approve the resolution. **Shelly Channel, Wayne Beaver, and John Frederickson** were not present when called up. **Paul McFarland** expressed concern about the effect the resolution would have. **Mary Prentice** opposed AAPL's proposal. **Wilma Wheeler** urged the Board to not support the resolution because it is too vague and too confusing. **Ilene Mandelbaum** said the resolution is no shortcut for the management of public lands. This requires hard work of sitting down and discussing management. **Duncan King** asked the Board to not take the proposal any further.

**Janet Carle** submitted a written statement. **Lynn Boulton** expressed concern that the proposed resolution would preclude any future designation to wilderness. **James Wilson** expressed concern that the proposal would increase polarization and suggested that the community needed to find a way to compromise. **Phyllis Benham** urged the Board to take no action. **Jack Shipley** asked the Board to vote no on this proposal. **Tim Alpers** asked the Board to address this issue in the same way they addressed the Hoover Wilderness issue. **Herb Benham** agreed with Tim Alpers and suggested that the community needed to negotiate this issue.

After the last comment, Supervisor Hazard invited people to speak who were not on the list; no other members of the public spoke. He then opened the meeting to Board discussion.

**Supervisor Reid:** Received an equal number of calls, emails, and letters from both sides. Those people for the resolution are sincere and passionate and believe their position is a reasonable one; those against are sincere and passionate and believe their position is a reasonable one. The overall consensus is that people want negotiation and compromise; not conflict. We need to focus on the things we have in common, and not on our differences, by building on common ground for trust and balance. We should all strive for a win-win result otherwise this will go on forever and the wounds will never heal. This resolution can be the catalyst for positive dialogue. I support the resolution in concept and believe that with revisions and other discussions, it can be turned into a very good document.

**Supervisor Hunt:** We have to concentrate on commonalities that we all have. We love this area and want to preserve it. If we can sit down and come up with solutions, we will be better off. We tried to do that in Bridgeport three years ago with the Hoover compromise, with that idea in place to create recreational opportunities for everyone. I support compromise and would like to see us proceed with that type of format. We need to open the dialogue. The proposal is too large and too vague at this time. I vote "no action."

**Supervisor Bauer:** This is a difficult issue; we need to come together and move forward together. We need to get the compromise back on the table and start moving forward.

**Supervisor Farnetti:** There's no question that people feel passionate. The way it's presented today gives me concerns. My constituents have concerns as well. Each individual WSA needs to be looked at on a balanced approach which may include some wilderness. I would recommend taking "no action" as presented.

**Chairman Hazard:** There is no easy decision when the community is divided. I don't think the proposal is clear and I have problems with the way it is worded. I do support a recreation designation. I look at the map of the White Mountains, and I believe there are areas that are truly wilderness; I am opposed to the cherry stem roads into our backyards. We need to get back to thoughtful negotiations. Equal designation and protection for both sides is the way to go. There is a lot of land that would not fall under either category. We are going to have to set up protections on both sides. I would like to see our Board take a position of support for negotiation at the local level to move these land issues forward. I'm asking that we support language that says "locally negotiate."

***Adjourned at 5:00 p.m.; reconvened at Walker Community Center at 6:00 p.m.***

6:06 p.m.

Tapes #3152,  
5 and 6

## ***Reconvene Evening Meeting at the Walker Community Center***

***Meeting called to Order by Chairman Hazard***

Reid, Bauer, Hazard, Farnetti, and Hunt present

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one spoke. Supervisor Reid mentioned that the north part of the county would be exempt from the night-sky ordinance.

## **PUBLIC WORKS**

### **18) Defensible Space vs. Land Clearing Workshop (Evan Nikirk)**

**M07-124**

**ACTION:** (1) Direct the public works staff to implement a wood waste gate fee waiver program for defensible space clearing through local fire chiefs. (2) Ask fire chiefs to educate the public and to distribute waiver coupons, no limit. (3) Modify the grading ordinance, possibly adding an exception for land clearing activities within 30 feet of a structure (or 100 feet if required). (4) Add links on the county website to the California Department of Forestry. (5) Consider a weed abatement ordinance that would apply to vacant land close to surrounding structures, including enforcement.

**(Farnetti/Reid, 5-0)**

Evan Nikirk distributed handouts pertaining to this discussion. Background: Public Works' function is to enforce the county's grading ordinance. This issue came up because people were clearing lands to protect them from fire. Sometimes people clear the land rather than just cutting the vegetation. Clearing land requires a grading permit. Nikirk presented a PowerPoint presentation. He mentioned that home owners aren't clearing property maliciously but they just don't know better. Public education becomes an important option. He suggested that a "weed abatement" ordinance could be tailored to address the absentee homeowner.

Stacey Simon, County Counsel, reviewed the handout she distributed and talked about current laws regarding defensible space and land clearing. She mentioned that grading permits are conditional permits (i.e. requiring the owner to do such things as spraying down the area and putting in a silt fence). The grading ordinance is intended to deal with environmental issues, and also state laws (CEQA). Pruning, trimming, and minor land clearing are considered to be fuel management activities.

Rose Murray pointed out that people in this area of the county have more land to deal with and more area to clear. This should be considered. Tim Fesko said it is cost prohibitive for someone to get a grading permit for a bigger perimeter.

Fred Stump, Chief of Long Valley Fire Protection District and President of the County Fire Chiefs: Indicated that his group was concerned about where the county stood, and how the county could better help property owners. They encouraged the Board to adopt a gate waiver fee to allow people to dump vegetative material for free at the landfills; and consider mailing a notice advising residents about state law. He asked for an amendment to the grading ordinance to allow for a 30-foot perimeter. The insurance industry raises rates or increases restrictions every time there is a fire. Fire chiefs would like Board action on the two items he mentioned, and follow-up on an amendment to the grading ordinance to include the ability to grade.

The audience made the following comments: coupons should be eliminated; allow loads of permitted vegetation to be dumped at the landfill; educate the public by posting signs at the dump; take brush to a central area and run it through a chipper; consider a weed abatement ordinance at some point; put more information on the Mono County website; have a land-clearing permit that contains all the pertinent information.

Dale Schmit, Wheeler Crest Fire District, recommended that the Board look at a defensible space waiver, and supported the coupon program with a message that owners need to do something.

## **BOARD OF SUPERVISORS / COUNTY COUNSEL**

- 19)** Request to lease certain county property (**Lon Smith, Marshall Rudolph**)  
**M07-125** **ACTION:** (1) Refer this item back to the County Counsel, the County Administrative Officer, and the Public Works Department to continue pursuing this request. (2) Bring this issue before RPAC and schedule a community meeting at the appropriate time.  
**(Reid/Farnetti 5-0)**

Marshall Rudolph, County Counsel: This item was raised at another board meeting but was not on the agenda so we brought it back. Lon Smith wants to lease some property for a community church. The county has an 8-acre parcel available that was used for many years to mix asphalt. The county owns this property, so there are no restrictions and at this point the county has not identified a use for the parcel. The Board has the authority to lease it, but there is a public process so the opportunity to lease is available to others. This idea is at a conceptual stage; at some point, this issue should be brought before the RPAC and the general community.

Lon Smith: The proposed use would be for a church organization. The church currently meets in the Walker Community Center, but wants to offer the community practical services such as a youth program, a recovery program, a center for activities, etc.

Members of the audience expressed their support for this idea.

***Recess taken from 8:12 p.m. thru 8:20 p.m.***

## **DEPARTMENT OF FINANCE**

- 20)** Prepayment of Taxes for Lot Line Adjustments (**Brian Muir**)  
**M07-126** **ACTION:** Direct the appropriate department heads to develop an information sheet (including information such as the proper procedures, the most opportune times to file the paperwork, and financial criteria) to better inform the public about the process for requesting a lot line adjustment.  
**(Reid/Bauer 5-0)**

Brian Muir addressed the Board. Regarding prepayment of taxes for lot line adjustments, January 1 at 12:01 is the lien date and people need to pay all the taxes due for the next year. It becomes a problem because it can be a lot of money. Prior to the lien date, a property owner would be required to pay taxes for the current year. Collecting taxes in advance is the state law with a provision to allow the Board, by ordinance, to waive that requirement. Muir recommended that the Board not waive the requirement since the county would lose money, and it could be problematic when parcels are sold and the owner leaves the state.

Members of the audience complained about the process taking too long in some circumstances and causing a financial hardship for property owners. Muir suggested that the county could take steps to better educate the public about the process. Supervisors Reid and Farnetti agreed.

## COUNTY COUNSEL

- 21)** CalTrans Property Acquisition; Highway 395 Improvement **(Marshall Rudolph)**  
**M07-127** **ACTION:** Support the proposed construction of a right turn deceleration lane on U.S. Highway 395 (by CalTrans) at the intersection of Topaz Lane, utilizing a portion of certain County property (APN 01-110-01) that CalTrans proposed to acquire for this improvement.  
**(Reid/Hunt 5-0)**

Marshall Rudolph explained that the property in question was purchased in 1999 with FEMA money. CalTrans proposes a deceleration lane which requires a small sliver of this property to be purchased at fair market value. The county is not allowed to sell the property to another agency because of FEMA restrictions, so CalTrans is handling the transaction directly with FEMA. The money from the sale (approximately \$7,400) will go back to the granting agency.

Members of the public supported this request because the deceleration lane would improve safety in that area.

## COUNTY ADMINISTRATIVE OFFICE

- 22a)** Antelope Valley Mosquito Abatement **(Diane Evans)**  
**M07-128** **ACTION:** (1) Accept the Petition for Mosquito Spraying of Northern Mono County. (2) Ask the County Administrative Officer (CAO) to schedule a meeting in June with the appropriate department heads (Planning, Health, and Economic Development) to discuss the potential of obtaining a grant. (3) Ask the CAO to schedule this matter on the agenda in a workshop format with the option for the Board to take appropriate action.  
**(Reid/Hunt, 5-0)**

Diane Evans: Mosquito control is an important and basic health care function. Reports have indicated that this will be a dangerous season, and the state public health office has warned to take care. Tests on several farms show there is West Nile here. Abatement is not economically feasible so north county needs a grant. Please take this issue seriously.

Supervisor Reid: The Board will look at the petition and the request. The health department staff couldn't come to this meeting, so we will schedule another meeting.

- 22b)** Expansion of Walker Community Center **(Dave Murray)**  
**M07-129** **ACTION:** (1) Accept the petition from the Lions Club supporting expansion of the Walker Community Center. (2) Direct the County Administrative Officer, County Counsel, Public Works, and Economic Development Department to determine costs and identify potential funding.  
**(Reid/Bauer, 5-0)**

Dave Murray, president of the Antelope Valley Lions Club, explained that the center is too small to accommodate the needs of the community, whether it is for an event or during a natural disaster. The Lions Club is asking for assistance in obtaining a grant or other funding so they can expand and renovate the community center.

**ADJOURNMENT @ 8:58 p.m.**

The Mono County Board of Supervisors' next regular session will be on **June 5, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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